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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,837	06/01/2001	Mark Ortowski	10010629-1	2835

7590 05/03/2002

AGILENT TECHNOLOGIES, INC.
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EXAMINER

LEON, EDWIN A

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 05/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,837

Applicant(s)

ORTOWSKI ET AL.

Examiner

Edwin A. León

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed March 8, 2002 in which the Specification, the Abstract and Claims 1-2, and 8-10 have been amended, has been place of record in the file as Paper No. 3.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. (U.S. Patent No. 6,086,415). With regard to Claim 1, Sanchez et al. discloses an modular system interface, comprising: a main panel (24) configured to be attachable to a rack (90,92) and including a cut-out (70); and at least one sub-panel (22) configured to be attachable to the main panel (24), wherein the at least one sub-panel (22) spans across the cut-out (70) and supports a respective predetermined connector (28,30). See Fig. 1.

Sanchez et al. discloses the claimed invention except for the main panel having a plurality of cut-outs, and having a plurality of sub-panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the main panel having a plurality of cut-outs, and having a plurality of sub-panels, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erichman*, 168 USPQ 177, 179.

With regard to Claim 2, Sanchez et al. discloses the main panel (24) further comprising: a feed-through hole (66). See Fig. 1.

With regard to Claim 3, Sanchez et al. discloses the main panel (24) further comprising: a bottom support (Fig. 6) that provides support for the main panel (24) on the rack (90,92). See Fig. 1.

With regard to Claim 4, Sanchez et al. discloses the main panel (24) further comprising a top support (Fig. 5) that provides support for the main panel (24) on the rack. See Fig. 1.

With regard to Claim 5, Sanchez et al. discloses the main panel (24) being stamped from sheet metal. See Fig. 1.

With regard to Claim 6, Sanchez et al. discloses the main panel (24) further comprising: means (84,86, 98) for removably securing the at least one sub-panel (22). See Fig. 1.

With regard to Claim 7, Sanchez et al. discloses the means (84,86, 98) for removably securing further comprising a threaded structure. See Figs. 1 and 5-6.


With regard to Claim 8, Sanchez et al. discloses the sub-panel (22) further comprising at least one connector access cut-out (32) configured to support the respective predetermined connector (28,30). See Fig. 1.

With regard to Claim 9, Sanchez et al. discloses the sub-panel (22) further comprising means (38,40) for attaching to the main panel (24). See Fig. 1.

With regard to Claims 10-11, Sanchez et al. discloses the claimed invention except for a label marking area and an adhesive mylar label being attached to the label marking area. It would have been an obvious matter of design choice to have a label marking area and an adhesive mylar label being attached to the label marking area, since applicant has not disclose that these features are critical, patentably distinguishing features.

Response to Arguments

4. Applicant's arguments filed March 8, 2002 have been fully considered but they are not persuasive. In response to Applicant's argument regarding Claim 1 that the Sanchez et al. reference does not show a plurality of sub-panels spanning across a respective cut-out, it is the Examiner's opinion that it would have been obvious to one having ordinary skill in the art at the time the invention was made to divide the cut-out and the sub-panel of Sanchez et al. into a plurality of cut-outs and a plurality of sub-panels, since dividing a formerly integral structure in various elements it not considered to be a patentable feature. It is inherent that the sub-panels will span across the cut-outs as the sub-panel (22) spans across the cut-out (70) in the Sanchez et al. reference.



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In response to Applicant's argument regarding Claims 3-4 that the Sanchez et al. reference does not show support for the main panel in the rack, Applicant's attention is directed to Figs. 5-6 in which Sanchez et al. clearly show the bottom and top support for the main panel (24).

In response to Applicant's argument regarding Claim 7 that the Sanchez et al. reference does not show a threaded structure, Applicant's attention is directed to Figs. 5-6 in which Sanchez et al. clearly discloses means (84,86,98) being threaded structures.

In response to Applicant's argument regarding Claims 10-11 that the Sanchez et al. reference does not show a label marking area, Applicant has failed to disclose the criticality of this feature in the present invention. Furthermore, it is old and well known in the electrical connectors art to label panels to avoid insertion of undesirable or incorrect electrical connectors.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

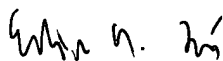
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Edwin A. Leon
AU 2833

P. AUSTIN BRADLEY
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EAL
April 20, 2002